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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/724,513 | 11/26/2003 | Adam L. Cohen | P-US054-A-MF | 1834 |
| 32107 | 7590 | 12/14/2007 | | |
| MICROFABRICA INC. ATT: DENNIS R. SMALLEY 7911 HASKELL AVENUE VAN NUYS, CA 91406 | | | EXAMINER WONG, EDNA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1795 | |
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| | | | 12/14/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,513

Applicant(s)

COHEN ET AL.

Examiner

Edna Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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This is in response to the Amendment dated November 26, 2007. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Response to Arguments

Oath/Declaration

The oath or declaration was defective.

The objection of the declaration has been withdrawn in view of Applicants' new declaration filed on November 26, 2007.

Drawings

Figures 1(a)-1(c), 2(a)-2(f) and 3(a)-3(c) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

The objection of the drawings has been withdrawn in view of Applicants' new drawings filed on November 26, 2007.

Specification

The disclosure was objected to because of minor informalities.

The objection of the disclosure has been withdrawn in view of Applicants' amendment.

Claim Objections

Claim **14** has been objected to because of minor informalities.

The objection of claim 14 has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 112

Claims **14-21** have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of claims 14-21 under 35 U.S.C. 112, second paragraph, has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 102/103

Claims **14-19** have been rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Cohen et al.** (US Patent No. 7,160,429 B2).

The rejection of claims 14-19 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cohen et al. has been withdrawn in view of Applicants' remarks.

Claim Rejections - 35 USC § 103

Claims **20 and 21** have been rejected under 35 U.S.C. 103(a) as being

unpatentable over **Cohen et al.** (US Patent No. 7,160,429 B2) as applied to claims 14-19 above.

The rejection of claims 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. as applied to claims 14-19 above has been withdrawn in view of Applicants' remarks.

Response to Amendment

Drawings

The drawings were received on November 26, 2007. These drawings are acceptable.

Claim Objections

Claim **18** is objected to because of the following informalities:

Claim 18

line 2, the word "selectively" should be amended to the word -- selective --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims **14-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 14

lines 11-25, recite:

"wherein ***the forming of at least one layer*** of the plurality of adhered layers, ***comprises:***

- (1) supplying a mask that comprises at least one void and at least one surrounding protrusion of material;
- (2) bringing the at least one protrusion of the mask into proximity to or into contact with the substrate or a selected previously formed layer so as to form at least one electrochemical process pocket having a desired registration with respect to any previous depositions and providing a desired electrolyte within the at least one electrochemical process pocket; and
- (3) applying a desired electrical activation between at least one electrode, that may be part of the mask or separate therefrom, and the substrate or the selected previously formed layer, such that a desired modification of the substrate or previously formed layer occurs".

It is unclear how Steps (1), (2) and (3) form at least one layer when Steps (1), (2) and (3) does not recite forming any layer.

lines 19-20, "any previous depositions" lack antecedent basis.

lines 24-25, it appears that the "previously formed layer" is the same as the selected previously formed layer as recited in claim 14, lines 23-24. However it is unclear if it is. If it is, then it is suggested that the words -- the selected -- be inserted after the word "or". If it is not, then what is the difference/ relationship between the previously formed layer and the selected previously formed layer?

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Claim 19

line 2, it appears that the "material" is the same as the at least one structural material or the at least one sacrificial material as recited in claim 17, lines 2-3. However, it is unclear if it is. If it is, then it is suggested that the word -- the -- be inserted after the word "deposit". If it is not, then what is the difference/ relationship between the materials?

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims **14-21** define over the prior art of record because the prior art does not teach or suggest a process for forming a multilayer three-dimensional structure, comprising the steps of (a) forming and (b) repeating as presently claimed, esp., wherein the mask comprises at least two different materials where the material that is brought in proximity to or in contact with the substrate or the selected previously formed layer is less conformable than another material from which the mask is comprised.

The prior art does not contain any language that teaches or suggests the above. Therefore, a person skilled in the art would not have been motivated to adopt the above conditions, and a prima facie case of obviousness cannot be established.

Claims 14-21 would be allowable if rewritten or amended to overcome the

rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 18 would be allowable if rewritten or amended to overcome the claim objection(s) set forth in this Office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

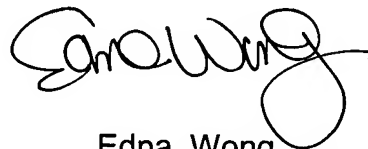
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Edna Wong', with a large, stylized loop at the end.

Edna Wong
Primary Examiner
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EW
December 10, 2007